



Public Education in Michigan

A Shared Responsibility

Article 8, Sec. 3-MI Constitution

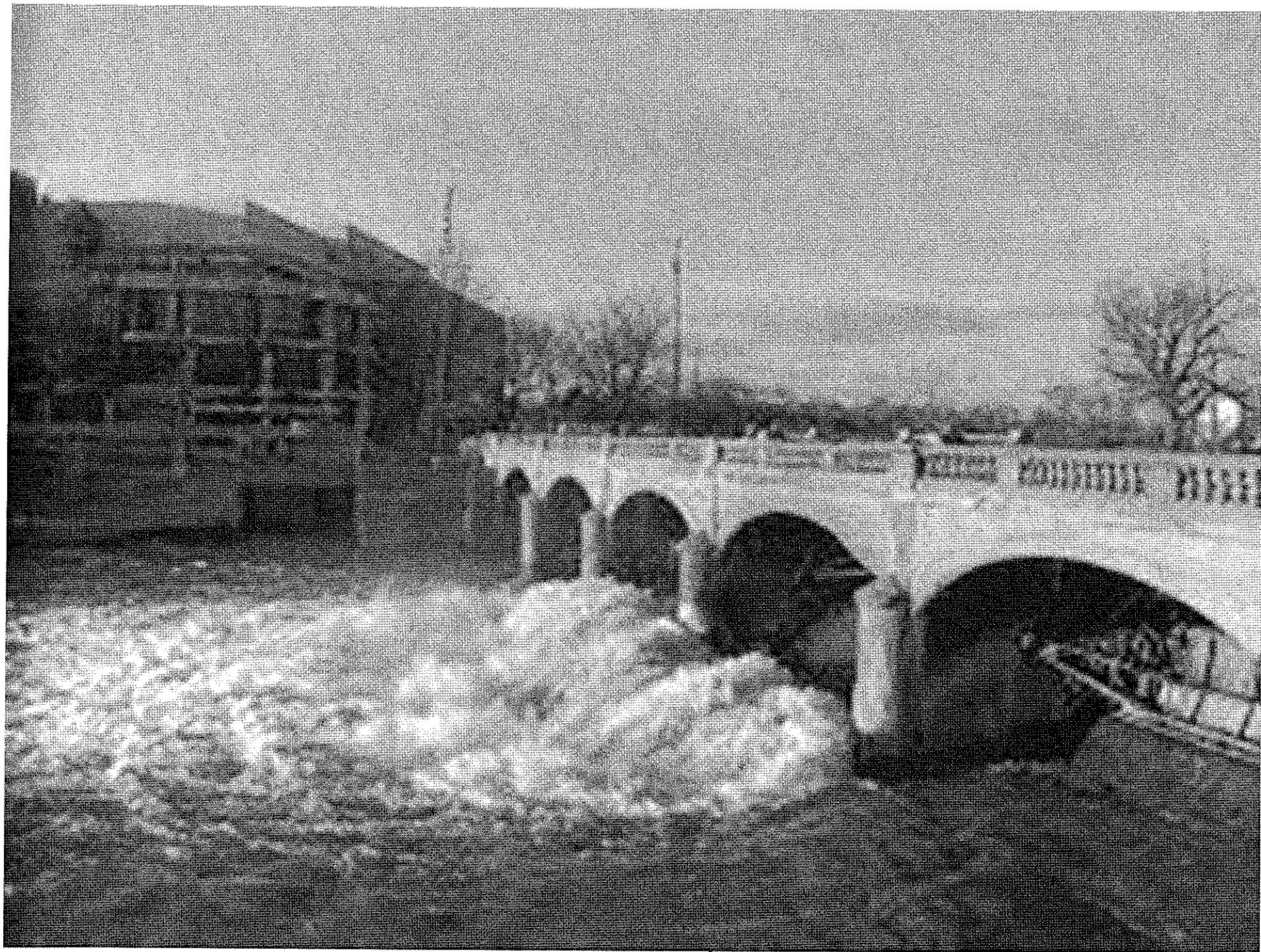
- ▶ The constitution places all public education, and all general planning, coordination, leadership, and general supervision under the State Board of Education
- ▶ Money to local school districts is appropriated by the Legislature
- ▶ This creates a bifurcation or sharing of responsibility

MI state board of education



PA 72 of 1990-"The Dam"

- ▶ Recognized shared responsibility; allowed for state assistance and financial direction
- ▶ Preserved local control and administration
- ▶ Only allowed intervention for financial matters when there were no other alternatives
- ▶ This was operative statute when DPS requested state assistance in 2008



Was there a problem?

- ▶ DPS was achieving academic success
- ▶ Detroit News: “DPS Test Scores Soared”
- ▶ Then-Gov. Engler took credit in 1998 campaign literature
- ▶ Then-DPS Superintendent Dr. Eddie Green hired by Cranbrook immediately after being terminated under P.A. 10 of 1999
- ▶ DPS had 92% market share; 114M surplus
- ▶ Voters passed 1.5B construction bond

Your guide to high school football. **Section G**

The Detroit News

EC

Thursday.
Sept. 4, 1997

METRO EDITION



High 10
Low 47

Complete circuit, 2A

气冲和胃

Detroit's state school test scores soar

MEAP gains in writing, science state Supt. Snead says but totals for tests are still behind state averages.

By Charles Hurt
The Detroit News

Deafened students scored dramatic gains on the 100-item test—bringing good news to a city where rebuilding education is linked to rebuilding the community.

I woke up thinking that James Brown sang "I Got You (I Feel Good)," Sgt. David Reed said, "It doesn't get any better than this."

Detroit fifth graders doubled their writing hours on the essay and made

parts of at least six percent in all other areas, administrators announced Wednesday.

The fight over money at school, park, parent and business leaders tied up with the city a poor school—draw up plans to completely overhaul the school district.

"We can't be a Renaissance City if our schools aren't ready for the 21st century," said Henry Williams, who has three nephews and two nieces in the county. "If we really want people

Let's get back to our city, then, to have
to perform the rituals."

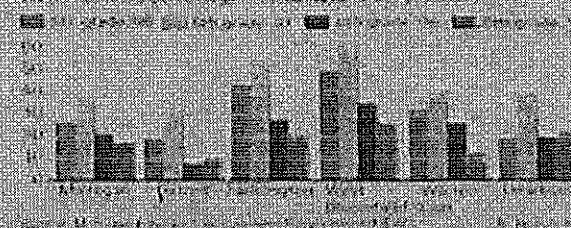
Ward, who has headed the district during four troubled years, said he had a hard time sleeping Tuesday night after learning the city proposed to close stateable factories on the Michigan Educational Assessment Program (MEAP).

The number of Deaf children scoring "proficient" is still rising: 31 percent among eighth graders and 30 percent among fifth graders. Among eighth grade science students, the number scoring proficient in Deafness

Please see 44 CFR Part 123

Science results

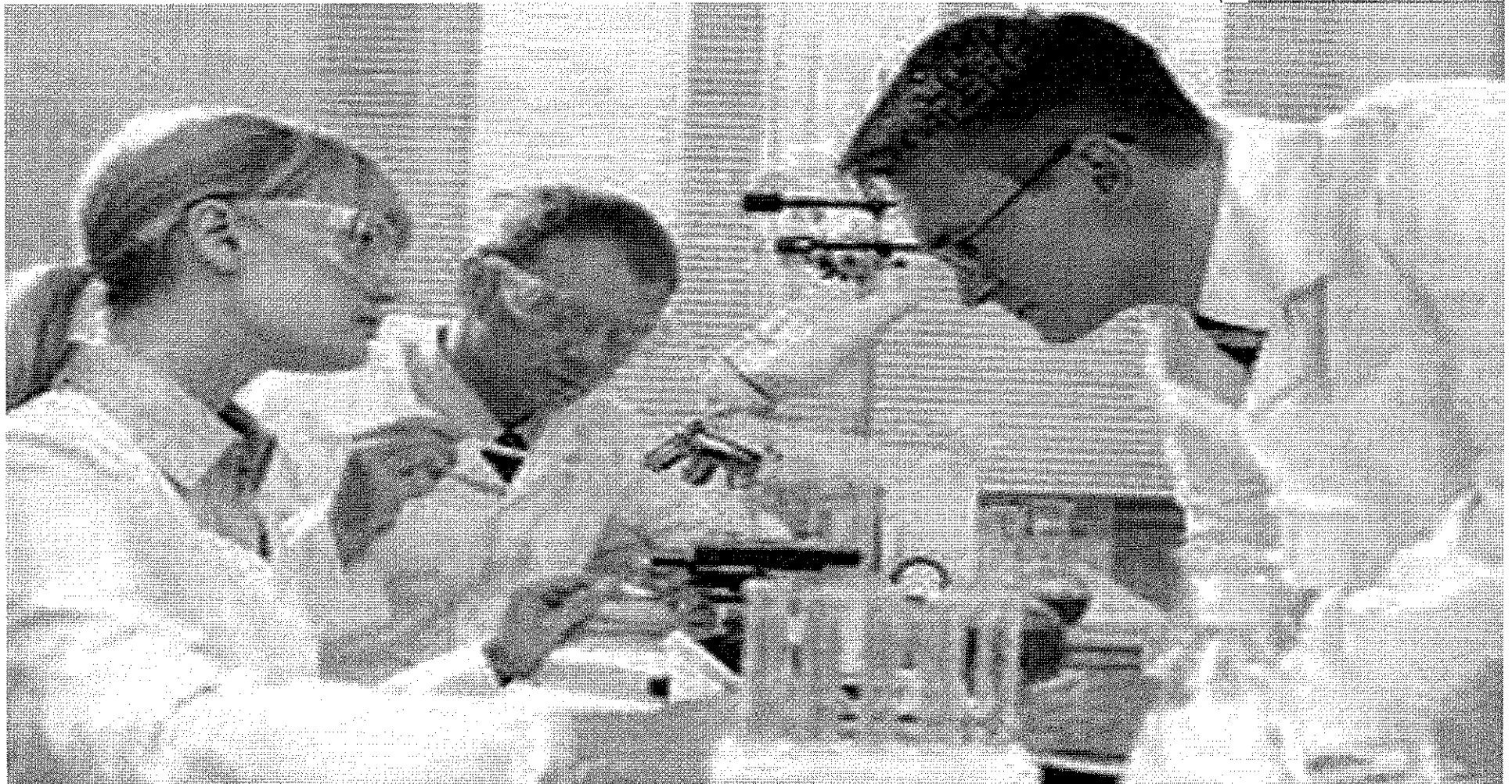
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	Academic	Finances	Enrollment	Market Share (% of Detroit students)
1999	Testing in the mid-range of schools with approximately 250 below and 250 above Michigan schools with the Michigan MEAP	\$114m surplus + \$40m rainy day fund.	173,871	92% of all Detroit resident students attended DPS.

PA 10 of 1999- “Breach in Dam”

“Engler workaround” an experiment with 5 year sunset.



PA 10 of 1999- “Breach in the Dam”

- ▶ Covered any first class school district (DPS only one at the time)
- ▶ Placed Superintendent of Public Instruction (or designee) on newly-created school board
- ▶ Engaged the Mayor-City and school district contiguous taxing bodies of taxpayer property

1999 David Adamany 1st Reforms CEO reports:

- ▶ Reported the following to the MI Legislator:
That the Detroit Public School district was the number 1 performing School district in the nation with a population above 100k Students where the majority were receiving free and reduced lunch.
- ▶ DPS had 40 schools where over 80% of its students were eligible for free or reduced lunch to score at or above national levels.
- ▶ Detroit had more national certified teachers than any other any school district in the State.
- ▶ Teaching professionals from around the nation came to Detroit to learn what and how to teach.

Experiment Ends: But is it too late?

- ▶ Brief return of an elected school board
- ▶ The elected school Board had no school Board experience
- ▶ Inherited deficit created by reform CEO
- ▶ Previous year budget balanced by unprecedented \$200M bond (at 21% interest) imposed by Governor Granholm and the Reform CEO
- ▶ Closed 32 schools in first year
- ▶ But saddled with many pre-existing contracts
- ▶ That the district was encumbered with legacy debt, Leases, purchases, contracts, and obligations. This totaled to over 1 billion dollars in state commitments that the elected local school board was bound to honor. Headlee violation

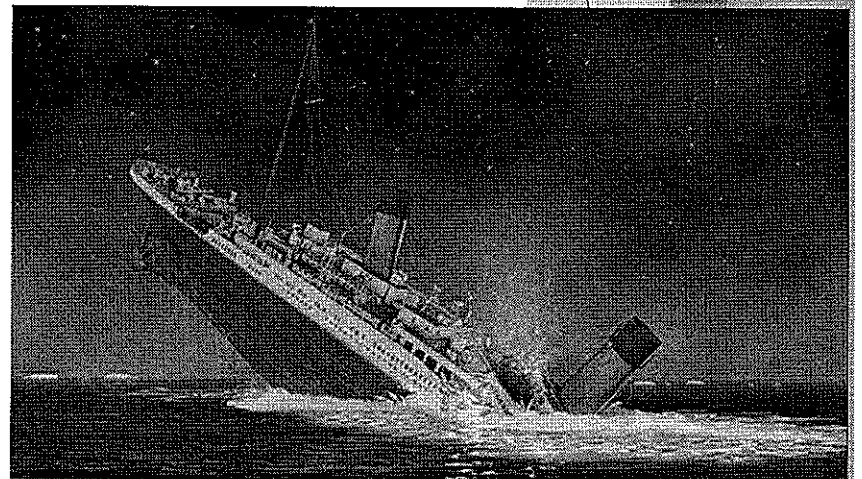


Requested a lifeboat...

- ▶ Elected school board requests state's financial management expertise under P.A. 72, the emergency FINANCIAL manager law by a majority vote ("shared responsibility")
- ▶ Enter The first and only Emergency Financial Manager [E.F.M.] Mr. Robert Bobb.
- ▶ Mr. Bobb never recognized bifurcated responsibility or the academic authority of the elected School Board over the academics of the district.
- ▶ Claimed control over "anything a penny touched" illegally operated the Academics of the district.
- ▶ Increased deficit by 100M

...but got the Titanic

- ▶ Hired now-infamous Barbara Byrd-Bennett as Academic Accountability Officer
- ▶ DPS Auditor General advises against her textbook contract and other irregularities
- ▶ Purchased obsolete notebook computers
- ▶ Robert Bobb operated finances and academics in violation of the State Constitution and PA 72



“The Baxter Decision”

- ▶ In light of Bobb’s actions, the elected board sees no choice but to enforce its responsibility over academics
- ▶ The Board sues Mr. Bobb and the State and prevails in State court!
- ▶ In its decision, the court finds that the EFM caused “irreparable harm to the district”
- ▶ Finds that Mr. Bobb’s overreach violated the state constitution and PA 72

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

ANTHONY ADAMS, PRESIDENT OF
THE DETROIT BOARD OF EDUCATION,
ANNIE CARTER, CARLA D. SCOTT, M.D.,
TERRY CATCHINGS, JUVETTE HAWKINS-
WILLIAMS, REVEREND DAVID
MURRAY, IDA SHORT, TYRONE
WINFREY, CAROL BANKS, ILENA
HERRADA and, LAMAR LEMMONS, all of
whom comprise the DETROIT BOARD OF
EDUCATION,

Plaintiffs/Counter-Defendants,

ROBERT BOBB, Emergency Financial Manager
For Detroit Public Schools,

Defendant/Counter-Plaintiff.

At a Session Held

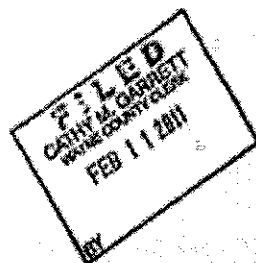
On the ____ day of February, 2011

PRESENT: THE HON. WENDY M. BAXTER

PERMANENT INJUNCTION

The Detroit Public Schools Board of Education prevailed on the merits and accordingly was granted injunctive, declaratory and writ of mandamus relief by Order of this Court dated December 6, 2010 and as amended, superseded or corrected thereafter; and the Emergency

11P220



Case No. 09-020160 AW

FEB 11 2011

Financial Manager successfully defended the Board's claim he violated MCL 141.1241 (2) (a) and accordingly was granted a directed verdict on that claim and the relief request in the counterclaim was declared moot. The parties were ordered to present written orders for entry consistent with this Court's opinion. The parties presented competing orders. Now, pursuant to MCR 3.310 (C) the following sets for the reasons and the specific terms the scope of this permanent injunction and the acts restrained that binds the parties:

WHEREAS The Revised School Code and the Local Government Fiscal Responsibility Act read together share a common purpose to provide for school districts; and

WHEREAS Detroit Public Schools are a general powers school district and therefore is a body corporate and is governed by a school board that in non emergency circumstances would govern the dual components of school functioning that being both educational/academic leadership and control of financial operations; and

WHEREAS Detroit Public Schools is under declaration of a financial emergency such that an emergency financial manager was appointed over the district's finances empowered to avoid insolvency, insure the survival and protect the credit of the school district, install and install prudent fiscal management; and

WHEREAS the Revised School Code grants authority, general powers and rights to the DPS School Board which include the right to educate pupils in grades K-12, including preschool, lifelong education, adult education, community education, training, enrichment, and recreation programs for other persons, determine, chart and set curriculum, educational goals and the methods of attainment, establish kinds and types of schools and programs, methods to assess student achievement via testing in addition to state mandates, licensure of boarding schools, selecting districts for incorporated organizations operating schools with public financing, supervision and appointment of school superintendent, teachers, principals and the hierarchy of personnel dedicated to teaching and learning; and

WHEREAS the Local Government Fiscal Responsibility Act allows the emergency financial manager of the Detroit Public Schools to control the financial operation of the district including the authority to exercise and responsibility for receiving, accounting for, budgeting, investing, or expending school district money; borrowing money and pledging school district funds for repayment; and qualifying for state school aid and other public or private money from local, regional, state, or federal sources, marshalling the district resources and assets, contracting, negotiating, re-negotiating hiring, firing and/or filling personnel vacancies within the confines of law; and

WHEREAS this Court further found that defendant was chosen solely on the basis of competence in fiscal matters and that as an EFM, he has no legislative authority to implement academic reform; and

WHEREAS this Court found that the actions of the EFM prevented the Board from performing its statutory duties under MCL 380.1278(3)(a) and (6), MCL 380.11a(3)(a), MCL 141.1240(2) which is irreparable harm; and

WHEREAS this Court further found that plaintiff will suffer irreparable harm in the future if it does not carry out its statutory duties to supervise and chart educational policies,

21P220

goals, programming and academic curriculum and if the educational policies of the defendant are imposed on students and teachers without the sanction of a statutorily responsible entity making that academic and educational decisions; and

WHEREAS this Court further found that plaintiff has suffered irreparable harm by being prevented by defendant from performing its duty to supervise, implement and make decisions for the Detroit Public School District educational policy, goals, academics, curriculum, school hours, sessions, and programs; and

WHEREAS this Court further found that plaintiffs will suffer irreparable harm if defendant is not restrained and enjoined from implementing academic and education policies, curriculum programs and educational reform without statutory authority; and

WHEREAS this Court further found that the harm to plaintiffs of not issuing a permanent injunction that defendant cease and desist frustration of the school board from the performance of its statutory duties outweighs the harm to the defendant who can carry out his statutory duties without responsibility to lend, supervise, set, chart or dictate academic and/or education goals and policies; and

WHEREAS this Court further found that the public interest is best served by enjoining the EFM from acting outside his authority under the Local Government Fiscal Responsibility Act and enabling the plaintiff to perform its statutory duties by ordering the EFM not to exercise academic authority in the absence of any clear legislative grant of academic authority to a school district EFM; and

WHEREAS this Court further found that there is no adequate remedy at law such that injunctive relief is appropriate; and

WHEREAS The Court found that no security is needed because the parties are public officials; and

NOW THEREFORE, IT IS HEREBY ORDERED that the defendant/counter-plaintiff, emergency financial manager Robert Cleveland Bobb, the emergency financial manager's consultants and staff, officers, agents, servants, employees, and attorneys and on those persons in active concert or participation with them who received actual notice of the order by personal service or otherwise are bound by this injunction and are permanently restrained, enjoined, precluded, prohibited and must cease and desist from taking the following actions without specific approval by the School Board:

1. Enforcing, implementing or publicizing as District Policy, the EFM's February 12, 2010 Order on Social Promotion; and
2. Directing the quarterly assessment test other than the state mandated MEAP test without Board approval; and
3. Issuing any directives to engage in deficit teaching or to take any other steps in conflict with the Board's academic policy; and
4. Directing the DPS's academic staff not to communicate with or take directions on

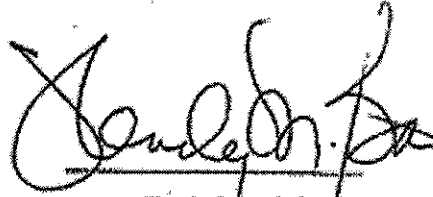
academic matters from the School Board or its agents; and

5. Contracting to purchase textbooks and online academic resources in the absence of the book adoption process and policy of the School Board or without Board approval; and
6. Authorizing the granting of charter status to any district school;
7. Enforcing, implementing or publicizing the EFM's academic plan "Excellent Schools for Every Child;" except that the current academic policies and plans including those policies stated in the above named plan in effect and practice on the date of this order shall continue under the auspices and authority of the Board unless voided, or modified by the Board; and
8. Implementing any curriculum, standards for promotion and similar academic policies that are in conflict with policies ~~that have been or are in the future~~ adopted by the Board, or without Board approval except that the EFM retains the right to determine on fiscal grounds the extent to which particular policies can be implemented within the confines of available resources; and
9. Refusing to maintain and support financially within the budgeted resources of the district the Board's selection of the school superintendent, teachers in the schools and the selection of the academic administrators of the District; and
10. Refusing to conduct a consultation with the Board in accordance with the statutory mandate; and
11. Refusing and/or failing to rescind March 10, 2010 order the all DPS academic personnel report to the EFM and not the Board's designee; and

IT IS FURTHER ORDERED that any contracts entered into between the EFM and a third party that are inconsistent with this injunction and the authority of the EFM are voidable at the option of the School Board.

IT IS SO ORDERED.

TRUE COPY
CATHY M. GARRETT
WAYNE COUNTY CLERK
DEPUTY CLERK


Circuit Court Judge

Unleashing of Floodwaters

- ▶ PA 4 repeals PA 72
- ▶ PA 4 does not recognize the shared, bifurcated responsibility over public education as set forth in the state constitution
- ▶ Gave total control over academics and finances to an emergency manager (“EM”)
- ▶ Took all authority from the elected board
- ▶ Disregarded board request for transparency and cooperation

The Wreckage...

- ▶ Enter Roy Roberts-first Emergency Manager [E.M.]
- ▶ Signs over 15 schools to experimental EAA above the objections of the powerless elected Board.
- ▶ Massive school closures which creates gaping holes in neighborhoods
- ▶ Sold Closed school buildings to competing Charters schools.
- ▶ Eliminated effective programs at Southwestern, Oakman, Catherine Ferguson, Davis Aerospace and others

...That Followed

- ▶ Roy Roberts further refinanced debt against advice of Auditor General
- ▶ Failed to rectify or even improve the financial situation even though that was the chief responsibility under PA 4
- ▶ Failed to supervise the district-turned a blind eye toward the Charles Pugh situation even though notified repeatedly by elected board

PA 436 & Continued Failure of EM's

- ▶ Failed to comply with board policy regarding background checks and fingerprinting
- ▶ Conflict of interest in appointments
- ▶ Failed to adequately address debt reduction
- ▶ Failed to address ratio of administrators to teachers and students
- ▶ Failed to stabilize or increase enrollment
- ▶ 44,000 of 118,000 students <42% market share

	Academic	Finances	Enrollment	Market Share (% of Detroit students)
1999	Testing in the mid-range with 250 schools approximately and 250 below and 250 above Michigan schools with the Michigan MEAP score district wide.	\$114m surplus + \$40m rainy day fund.	173,871	92% of all Detroit resident students attended DPS.

What State control has brought!

	Academics	Finances	Enrollment	Market Share (% of Detroit student)
2016	DPS has the lowest academic performance in the State.	\$3.5 Billion deficit	Approximately 46,000	42% of all Detroit resident students attend DPS

Voter concern gaged by Participation

Detroit Public Schools, At-Large General Election, 4-year term, 2014		
Candidate	Vote %	Votes
LaMar Lemmons	11.9%	42,112
Reverend David Murray	10.8%	38,242
Ida Carol Short	9.5%	33,453
Patricia Johnson Singleton	8.5%	30,130
A. Heard	7.3%	25,959
K. Sanders	7.2%	25,574
D. Bryant	7.1%	24,963
S. Johnson	6.8%	23,975
V. Gibson	5.2%	18,456
G. Lemmons	4.8%	16,913
W. Harris	4.6%	16,255
G. White	4.5%	15,952
R. Paul	3.2%	11,321
R. Patrick	2.8%	11,175
J. Williams IV	2.8%	9,984
U. Sherman Jr.	1.7%	5,844
Write-in votes	0.9%	3,094
Total Votes=		353,342

The Mayor of Detroit, Michigan, 2013			
Party	Candidate	Vote %	Votes
Non-Partisan	Mike Duggan	54.9%	74,254
Non-Partisan	Benny Napoleon	47.7%	60,448
Non-Partisan	Write-in	0.3%	445
Total Votes=			135,157
The Governor Race in Detroit 2014			
Candidate	Vote %	Votes in Detroit	Total Votes Casted
Rick Synder / Brain Calley	6.8%	11,522	166,247
Mark Schauer / Lisa Brown	92.18%	152,096	166,247
Non-Partisan	Write-in	0.3%	445
Total Votes=			166,247

Impact of Disenfranchisement

- ▶ Who will stand up for the children of Detroit?
- ▶ Who will stand up for democracy?
- ▶ Who will stand up and speak truth to power?
- ▶ Will it be you?

